



**UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL  
CLEANUP

February 16, 2018

Kris McCaig  
Project Manager  
Teck American Incorporated  
501 North Riverpoint Boulevard, Suite 300  
Spokane, Washington 99202

VIA ELECTRONIC MAIL ONLY

Dear Ms. McCaig,

EPA is in receipt of your February 15, 2018 letter regarding the dispute raised by Teck on January 23, 2018. On February 14, 2018 EPA agree to modify the requirements of the LOE as set forth in that letter. Through that letter EPA provided a substantial compromise which included a reduction of depositional areas from 18 to five depositional areas Teck would be required to characterize. EPA also agreed to a delay in the collection of sediment cores.

With regard to your statements on Guiding Principles, EPA did not intend to infer that the work required in the LOE was to be completed in 2018. Rather, EPA has suggested sampling that could be completed within a 12-month period (2018 and early 2019). The delays that have occurred since the LOE was issued make it unlikely this work would be completed in 2018.

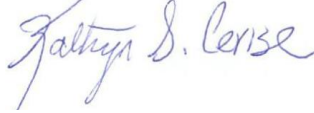
EPA has identified that a further compromise from the initial LOE may be possible. For the initial 2018/2019 effort, a minimum of three depositional areas would need to be assessed to provide useful and comparable data for different conditions observed in the OU. These areas are China Bend, Deadman's Eddy, and a location just upstream of Marcus. The requirements for sampling at each depositional feature would need to be based on a robust statistical design discussed in a detailed in the data quality objectives section of the quality assurance project plan (QAPP).

EPA is requiring that the data quality objectives and the QAPP be provided within 60 days of the date on which EPA and Teck reach agreement on informal dispute resolution. A scoping meeting would occur after the mapping and field work was completed to discuss the integration of the data.

EPA also agrees to discuss of the details concerning the sediment facies mapping effort as part of the scoping meeting. However, the work must include a quantitative accuracy assessment of the facies classification results using grain-size analysis of discrete sediment samples and automated image analysis of high resolution videography obtained along multiple cross-river transects.

This constitutes EPA's final offer to resolve the dispute during the informal dispute resolution period. If TAI cannot agree to these terms by COB today, then we should move forward to Final Dispute.

Sincerely,



Kathryn Cerise  
EPA Remedial Project Manager

cc: Dave Einan, EPA  
Cami Grandinetti, EPA  
Elizabeth McKenna, EPA  
Christian Baxter, Teck